

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**KAREN HUGHEY,
Conservator for James Allen Hughey**

PLAINTIFF

V.

CIVIL ACTION NO: 3:18-CV-4-GHD-RP

**TIPPAH COUNTY, MISSISSIPPI,
TOMMY MASON, in His Individual Capacity,
and “X” Bonding Company**

DEFENDANTS

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT TIPPAH COUNTY,
MISSISSIPPI’S MOTION FOR JUDGMENT ON THE PLEADINGS [DOC. 157]**

Plaintiff Karen Hughey, Conservator for James Allen Hughey, submits this Response in Opposition to Defendant Tippah County, Mississippi’s Motion for Judgment on the Pleadings [Doc. 157], and shows the Court the following:

1. This action is not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).
2. Drawing inferences in Hughey’s favor and accepting the pled facts which favor Hughey, Hughey has made a plausible claim that Defendant County is liable because of custom and ratification.
3. In support of this response, Hughey relies on the following evidentiary materials:
 - Exhibit “A”: Petition of Defendant for Court to Accept Plea in *State v. Hughey*, Tippah County Circuit Court No. 2017-163;
 - Exhibit “B”: Plea of Guilty and Judgment of Court in *State v. Hughey*, Tippah County Circuit Court No. 2017-163; and
 - Exhibit “C”: Indictment for Burglary in *State v. Hughey*, Tippah County Circuit Court No. 2017-163.

4. A memorandum brief in opposition to Defendant County's motion is being filed simultaneously herewith.

RESPECTFULLY SUBMITTED, this the 1st day of October, 2024.

KAREN HUGHEY, Conservator for James Allen
Hughey, Plaintiff

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CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Plaintiff has this day filed the above and foregoing with the Clerk of the Court, utilizing the federal court electronic case data filing system (CM/ECF), which sent notification of such filing to the following:

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DATED, this the 1st day of October, 2024.

/s/ JIM WAIDE
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